

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-KLH/605**

<b><u>Applicants</u></b>	:	Messrs. LEE Chit Ming, MOK Tai Wai and LEE Chuen Cheung represented by Lawson David and Sung Surveyors Limited
<b><u>Site</u></b>	:	Lots 617 S.B ss.1 and 618 S.B RP (Part) in D.D. 9, Nam Wa Po, Kau Lung Hang, Tai Po, New Territories
<b><u>Site Area</u></b>	:	About 516.05 m <sup>2</sup>
<b><u>Land Status</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Kau Lung Hang Ling Outline Zoning Plan (OZP) No. S/NE-KLH/11
<b><u>Zoning</u></b>	:	“Green Belt” (“GB”)
<b><u>Application</u></b>	:	Temporary Warehouse for Storage of Equipment for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a temporary warehouse for storage of exhibition equipment for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “GB” on the approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11. According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within “GB” zone requires planning permission from the Board notwithstanding that the use is not provided for under the Notes of the OZP. The Site is currently used for the applied use without valid planning permission.
- 1.2 According to the applicant, the applied use comprises a single-storey temporary structure with a total built-over area (BOA) of about 508.6 m<sup>2</sup> and a height of not exceeding 6m. The Site is accessible via a local track off Tai Wo Services Road

West, with the ingress/egress point of about 5m wide at the western site boundary. Light goods vehicles (under 5.5 tonnes) will be used for transportation, with loading and unloading activities confined within the warehouse during off-peak hours. The operation hours of the Site are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. Plans submitted by the applicants showing the lot boundary, vehicular access, indicative layout and landscape and tree preservation proposal of the applied use are shown on **Drawings A-1 to A-4**.

- 1.3 The Site is the subject of eight previously approved applications for temporary open storage or warehouse uses. Details of these previous applications are given in paragraph 6 below.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with Planning Statement received on 5.1.2022 **(Appendix I)**
  - (b) Further Information (FI) received on 9.3.2022\* **(Appendix Ia)**
  - (c) FI received on 31.3.2022\* **(Appendix Ib)**

*\*accepted and exempted from publication*

- 1.5 On 4.3.2022, the Committee agreed to the applicants' request to defer making a decision on the application for two months to allow more time for them to address departmental comments. The FI submissions were received on 9.3.2022 and 31.3.2022 and the application is scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in the Planning Statement and FI at **Appendices I, Ia** and **Ib** as summarized below:

- (a) the applied use is similar in nature with those under previous planning approvals at the Site and several applications approved in the same "GB" zone;
- (b) the applied use is small in scale and will not contravene the planning intention of the "GB" zone which is still largely occupied by open storage and warehouse uses;
- (c) the applied use is in compliance with the Town Planning Board's Guidelines for 'Application for Development within "GB" Zone' as it will not generate adverse drainage, traffic, environmental and visual impacts on the surrounding areas; and
- (d) the applied use will maximize the interim land use of the Site, on which no

foreseeable development has been planned.

### **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicants are the “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Application for Development within “Green Belt” zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) promulgated in July 1991 are relevant to the application. Relevant extract of the Guidelines is at **Appendix II**.

### **5. Background**

The Site is not subject to any active enforcement action.

### **6. Previous Applications**

6.1 The Site is the subject of eight previous applications for temporary open storage or warehouse uses (Nos. A/NE-KLH/48, 139, 202, 313, 373, 420, 447 and 525) which were all approved with conditions between 1995 and 2017. The latest application (No. A/NE-KLH/525) submitted by the same applicants for a temporary warehouse for storage of recreational equipment was approved by the Committee on 7.4.2017 for a period of three years on consideration that the applied use was small in scale, located close to the adjoining “Open Storage” (“OS”) zone and segregated from nearby village, and would unlikely cause adverse environmental impacts on the surrounding areas. The application was subsequently revoked on 7.7.2019 due to non-compliance with the approval conditions on the submission and implementation of fire service installations (FSIs) and water supplies for fire-fighting proposal. Compared with this previous case, the current application covers the same Site with largely the same development parameters. The items to be stored are changed from recreational equipment to exhibition equipment.

6.2 Details of the previous applications are summarized at **Appendix III** and the locations are shown on **Plans A-1** and **A-2**.

### **7. Similar Application**

- 7.1 There is a similar application (No. A/NE-KLH/584) within the “GB” zone to the immediate south of the Site in the past five years, which involves a temporary warehouse with ancillary office for a period of three years. The application was approved with conditions by the Committee on 1.9.2020 on similar consideration as mentioned in paragraph 6.1 above.
- 7.2 Details of the similar application are summarized at **Appendix III** and the location is shown on **Plans A-1** and **A-2**.

**8. The Site and Its Surrounding Areas (Plans A-1, A-2 and photos on Plans A-3 and A-4)**

8.1 The Site is:

- (a) occupied by a single-storey temporary warehouse constructed with metal sheeting and canvas for storage of exhibition equipment; and
- (b) accessible via a local track off Tai Wo Services Road West.

8.2 The surrounding areas have the following characteristics:

- (a) predominantly rural in character comprising vacant land, temporary structures, open storage uses and warehouses;
- (b) to the immediate east and further east of the Site are a warehouse which has been in existence before the gazette of Kau Lung Hang Interim Development Permission Area Plan, and Tai Wo Service Road West and Fanling Highway respectively;
- (c) to the immediate south across a local track is another warehouse approved by the Committee (Application No. A/NE-KLH/584) on 1.9.2020. Further south is an area zoned “OS” currently used by brownfield operations;
- (d) to the further north is a mix of vacant land, plant nursery and temporary structures; and
- (e) to the west and further west are a nullah and Nam Wa Po Village respectively.

**9. Planning Intention**

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to

provide passive recreational outlets. There is a general presumption against development within this zone.

#### **10. Comments from Relevant Government Departments**

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

#### **11. Public Comments Received During Statutory Publication Period (Appendix VI)**

The application was published for public inspection. During the statutory public inspection period, a total of two public comments were received. One individual raises objection to the application mainly on the grounds that the applied use would cause adverse traffic, environmental and fire safety impacts on the surrounding areas. Another individual raises concern on which conditions under the previous approval were not fulfilled and whether the applied use has been expanded since the last approval.

#### **12. Planning Considerations and Assessments**

12.1 This application is for a temporary warehouse for storage of exhibition equipment on a site zoned “GB” on the OZP (**Plan A-1**). The applied use is not in line with the planning intention of the “GB” zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. Nevertheless, DAFC has no strong view on the application from nature conservation point of view having regard that the Site is occupied by existing structure. Given its temporary nature, it is considered that approval of the application for a period of three years would not frustrate the long-term planning intention of the “GB” zone.

12.2 The Site is currently occupied by an existing single-storey structure. It is located adjacent to a warehouse which has been in existence before the gazette of Kau Lung Hang IDPA Plan, and is also in close proximity with an “OS” zone currently used by brownfield operations. The Site is segregated from Nam Wa Po Village by a nullah to the west. The applied use is considered not incompatible with the surrounding land uses which are predominantly rural in character. CTP/UD&L, PlanD has no objection to the application from the landscape planning perspective. C for T has no comment on the application from traffic engineering point of view having regard to the transport arrangement and traffic management measures proposed by the applicants. DEP has no objection to the application and advises that the applicants should follow the relevant mitigation

measures and requirements in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. CE/C, WSD also has no objection to the application subject to conditions for preventing water pollution in the water gathering grounds and protecting the nearby waterworks reserve. Other concerned government departments including DLO/TP of LandsD, D of FS, CE/MN of DSD and DO(TP) of HAD have no adverse comment on or no objection to the application. The applied use generally complies with the TPB-PG No. 10 which require that development in the “GB” zone should be compatible with the surrounding areas and should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, cause any adverse visual, traffic and environmental impacts, overstrain the infrastructural capacity nor affect the water gathering grounds.

- 12.3 The Site is the subject of eight previously approved applications and the latest previously approved application (No. A/NE-KLH/525) is submitted by the same applicants as detailed in paragraph 6.1. The previous application was subsequently revoked on 7.7.2019 due to the applicant’s failure to comply with the approval conditions on the submission and implementation of FSIs proposal within the specified time limit. All other approval conditions including those requiring the provision of measures to prevent water pollution and protect waterworks reserve, and the maintenance of existing drainage facilities and trees have been complied with. Compared with this previous case, the current application covers the same Site with largely the same development parameters, and incorporates all those facilities implemented under the previous approval conditions. For the provision of FSIs, the applicants have undertaken to submit a proposal to D of FS for consideration upon obtaining approval on the application. D of FS has no objection in this regard. Should the Committee decide to approve the application, it is recommended that shorter compliance periods on the approval conditions should be allowed to closely monitor the progress of compliance. Moreover, the applicants will be advised that should they fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration will not be given to any further application.
- 12.4 There is a similar application (No. A/NE-KLH/584) within the “GB” zone in the vicinity of the Site in the past five years (**Plan A-2**), which involves a temporary warehouse with ancillary office for a period of three years. The application was approved with conditions by the Committee on 1.9.2020 on similar considerations for approving the previous application at the Site as mentioned in paragraph 12.3 above. The planning circumstances for approving this similar case are applicable to the current application.
- 12.5 Regarding the public comments on the application as detailed in paragraph 11 above, government departments’ comments and planning assessments above are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department considers that the applied use could be tolerated for a period of three years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 6.5.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### **Approval Conditions**

- (a) no sinking of wells, blasting, drilling or piling works are allowed on the application site at all times during the planning approval period;
- (b) the submission of a proposal of preventive measures against water pollution within the upper indirect water gathering grounds within **3** months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 5.8.2022;
- (c) in relation to (b) above, the implementation of proposal of preventive measures against water pollution within the upper indirect water gathering grounds within **6** months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 5.11.2022;
- (d) the submission of a drainage proposal within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.8.2022;
- (e) in relation to (d) above, the implementation of drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.11.2022;
- (f) the submission of a proposal for fire services installations and water supplies for fire-fighting within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 5.8.2022;
- (g) in relation to (f) above, the implementation of proposal for fire services installations and water supplies for fire-fighting within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 5.11.2022;
- (h) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and

shall be revoked immediately without further notice;

- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

The recommended advisory clauses are at **Appendix V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

- the development is not in line with the planning intention of the "GB" zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no justification given in the submission for a departure from such planning intention, even on a temporary basis.

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

### **15. Attachments**

<b>Appendix I</b>	Application form with Planning Statement received on 5.1.2022
<b>Appendix Ia</b>	FI received on 9.3.2022
<b>Appendix Ib</b>	FI received on 31.3.2022

<b>Appendix II</b>	Relevant extract of Town Planning Board Guidelines No. TPB PG-No. 10 on Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance (TPB PG-No.10)
<b>Appendix III</b>	Previous and similar applications
<b>Appendix IV</b>	Government departments’ general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public comments
<b>Drawing A-1</b>	Lot index plan submitted by the applicant
<b>Drawing A-2</b>	Vehicular access plan submitted by the applicant
<b>Drawing A-3</b>	Indicative layout plan submitted by the applicant
<b>Drawing A-4</b>	Landscape and tree preservation plan submitted by the applicant
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
MAY 2022**